<u>REMARKS</u>

[0003]   Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-5, 8, 10-11, 13-14, 17-21, 24, 26-27, 29-30, 33-35, and 37-43 are presently pending. Claims amended herein are 1, 17, and 33.

Statement of Substance of Interview

[0004]   Examiner Bayou graciously talked with Michael D. Carter—the undersigned representative for the Applicant—on December 12, 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005]   During the interview, I discussed how the claims differed from the cited references, namely Gong. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006]   In a telephone discussion on December 12, 2008, Examiner Bayou was receptive to the proposed amendments. However, Examiner Bayou indicated that he would need to review the cited art more carefully and/or do another search, and requested that the proposed amendments be presented in writing. Amendments are presented herein based on the discussion with the Examiner.

[0007]   Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

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Formal Request for an Interview

[0008]   If the Examiner's reply to this communication is anything other than allowance of all pending claims and there only issues that remain are minor or formal matters, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009]   Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments

[0010]   Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 17, and 33 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

Substantive Matters

Claim Rejections under § 102 and § 103

[0011]   The Examiner rejects claims 1, 2, 4-5, 8-11, 13-14, 17-18, 20-21, 24, 26-27, 29-30, 33, 35, 37-39 and 41-43 under § 102. For the reasons set forth below, the Examiner has not shown that the cited reference anticipates the rejected claims.

[0012]   In addition, the Examiner rejects claims 3, 19, 34 and 40 under § 103. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

[0013]   Accordingly, Applicant respectfully requests that the § 102 and § 103 rejections be withdrawn and the case be passed along to issuance.

[0014]   The Examiner's rejections are based upon the following references alone or in combination:

- **Gong:** *Gong, et al.,* US Patent No. 6,044,467 (issued March 28, 2000);and
- **Lao:** *Lao, et al.,* US Patent Application Publication No. 2003/0220880 (Published November 27, 2003).

Overview of the Application

[0015]   The Application describes a technology for evidence-based application security implemented at the application and/or application group

levels. A manifest may be provided defining at least one trust condition for the application or application group. A policy manager evaluates application evidence (e.g., an XrML license) for an application or group of applications relative to the manifest. The application is only granted permissions on the computer system if the application evidence indicates that the application is trusted. Similarly, a group of applications are only granted permissions on the computer system if the evidence indicates that the group of applications is trusted. If the application evidence satisfies the at least one trust condition defined by the manifest, the policy manager generates a permission grant set for each code assembly that is a member of the at least one application. Evidence may be further evaluated for code assemblies that are members of the trusted application or application group

Cited References

[0016] The Examiner cites Gong as the primary reference in the anticipation- and obviousness-based rejections. The Examiner cites Lao as a secondary reference in the obviousness-based rejections.

Gong

[0017] Gong describes a technology for providing security in a computer system. When code associated with an object class must be loaded, a search for the code is performed, inspecting locations in predetermined sequence, where the sequence ensures that untrusted code can not be loaded in place of trusted code. The sequence of locations may include locations specified by a user as well

as locations specified by a default pathway. If the class is found and the class has not been loaded, the class is loaded and a set of permissions is associated with the class based on a predetermined mapping of code sources to permissions.

Lao

[0018]   Lao describes a technology for controlling consumption of a distributed network service in accordance with rights expression information associated with the distributed network service and specifying a manner of use of the distributed network service, including determining the rights expression information associated with the distributed network service, the rights expression information indicating a manner of use of the distributed network service; and controlling consumption of the distributed network service based on the rights expression information.

Anticipation Rejections

[0019]   Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.[1] Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.[2]
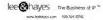
Based upon Gong

[0020]   The Examiner rejects claims 1, 2, 4-5, 8-11, 13-14, 17-18, 20-21, 24, 26-27, 29-30, 33, 35, 37-39 and 41-43 under 35 U.S.C. § 102(e) as being anticipated by Gong. Applicant respectfully traverses the rejection of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0021]   The Examiner indicates (Action, pages 4-5) the following with regard to claim 1:

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[1] "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

[2] See _In re Bond_, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

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Referring to claims 1, 2, 17, and 33, Gong teaches a computer program product, a system, a computer-readable medium and a method comprising:

receiving a manifest defining first and second code assemblies that are members of at least one application, wherein the manifest defines at least one trusted application and application evidence for making a trusted decision **[13:66 – 14:2, 14:30-35 and figs. 2B, 3-4**; policy object is corresponding to manifest];

evaluating the application evidence to determine if the at least on application is trusted **[13:66 – 14:2 and figs. 2B, 3-4]**; and

generating a first and a second permission grant set for the first and the second code assembly, respectively, that are members of the at least one application if the application evidence satisfies at least one condition for trusting the at least one application **[2:25-32 and 11:25-33]**;

passing the permission grant to a run-time call stack **[12:16-33; 14:66-67 and fig. 2B]**.

calling the second code assembly by the first code assembly, the second code assembly attempting access of a protected file **[13:66 – 14:2]**; and

calculating an intersection of the first and the second permission grant sets to determine whether the access to the protected file is permitted **[2:25-32 and 11:25-33]**.

[0022] Claim 1, as amended, recites a method comprising, receiving a manifest defining first, second, and third code assemblies that are members of at least one application, wherein the manifest defines at least one trusted application and application evidence for making a trust decision; evaluating the application evidence to determine if the at least one application is trusted; generating a first, a second, and a third permission grant set for the first, the second, and the third code assembly, respectively, that are members of the at least one application if the application evidence satisfies at least one condition for trusting the at least one application; passing the permission grant to a run-time call stack; calling the second code assembly by the first code assembly; calling the third code assembly by the second code assembly, the third code assembly attempting access of a protected file; and calculating an intersection of the first and the second permission grant sets to determine whether the access to the protected file is permitted.

[0023] Gong does not disclose or show "generating a first, a second, and a third permission grant set for the first, the second, and the third code assembly, respectively, that are members of the at least one application if the application evidence satisfies at least one condition for trusting the at least one application; passing the permission grant to a run-time call stack; ***calling the second code assembly by the first code assembly; calling the third code assembly by the second code assembly, the third code assembly attempting access of a protected file; and calculating an intersection of the first and the second permission grant sets to determine whether the access to the protected file is permitted*** [emphasis added]."

[0024] Rather, Gong merely recites associating digital signatures with a class or class definitions. If the class cannot be associated with a digital signature, the class is unsigned. See column 8, lines 1-21. Further, Gong recites at column 13, line 66 – column 14, line 2, "[i]n step 322, the code sources listed in the policy object 242 are compared against the received code source to determine which code sources match the received code source." Gong merely discloses comparing one code against another. Gong is completely silent with respect to a first code assembly calling a second code assembly and the second code assembly calling a third code assembly and calculating an <u>intersection of first and second permission grant sets</u> of the first and second code assemblies to define a permission to <u>access a protected file by the third code assembly</u>.

[0025] Consequently, Gong does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2, 4-5, 8, 10-11, and 13-14

[0026] In addition to their own merits, dependent claims 2, 4-5, 8, 10-11, and 13-14 are allowable for the same reasons that independent claim 1 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 4-5, 8, 10-11, and 13-14.

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Independent Claim 17 and dependent claims 18, 20-21, 24, 26-27, and 29-30

[0027]   Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight here and Gong does not disclose all of the elements and features of independent claim 17, as amended. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim. Further, dependent claims 18, 20-21, 24, 26-27, and 29-30 are allowable for the same reasons that independent claim 17 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 18, 20-21, 24, 26-27, and 29-30.

Independent Claim 33 and dependent claims 35, 37-39, and 41-43

[0028]   Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight here and Gong does not disclose all of the elements and features of independent claim 33, as amended. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.   Further, dependent claims 35, 37-39, and 41-43 are allowable for the same reasons that independent claim 17 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 35, 37-39, and 41-43.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0029]   Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Based upon Gong in view of Lao

[0030]   The Examiner rejects claims 3, 19, 34 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Gong.   Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims. In addition to their own merits, dependent claims 3, 19, 34, and 40 are allowable for the same reasons that their respective independent claims are allowable.   Applicant requests that the Examiner withdraw the rejection of dependent claims 3, 19, 34, and 40.

Conclusion

[0031]   All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.   If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**.   Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

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